

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

JAMES A. CLARK

VS.

CIVIL ACTION NO. 2:09cv252-KS-MTP

MICHAEL J. ASTRUE, Commissioner,
of Social Security Administration

ORDER

This cause is before the Court on Report and Recommendations [29] of Magistrate Judge Michael T. Parker. No Objection has been filed by either side to the Report and Recommendation and the Court having reviewed same, as well as the record, finds that the Plaintiff's Motion to Include Evidence Omitted From the Record on Appeal [9] should be granted. The Court further finds that Plaintiff's Motion for Reversal, Modification or Remand [10] be granted to the extent that it seeks a remand of this case and deemed moot as to the request for reversal or modification. The Court further finds that this matter should be remanded to the Commissioner for the consideration of Dr. Richard Conn's October 1, 2009, letter/narrative and also for the consideration for the weight to be given to it. The Commissioner's Motion to Confirm his decision [22] is moot.

SO ORDERED AND ADJUDGED on this, the 9th day of December, 2010.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE